

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

PART 6

SCHOOL DISTRICTS OF THE FIRST CLASS

380.401 Provisions governing school districts of first class; name of school district; jurisdiction of board; board as body corporate; suits.

Sec. 401. (1) A school district organized as a school district of the first class shall be governed by this part, by the provisions of article 2 which are not inconsistent with this part, and by articles 3 and 4.

(2) A school district governed by this part shall be known as the "school district of the city of _____," and shall be under the jurisdiction of the first class school district board.

(3) The first class school district board shall be a body corporate under the name and title of "the board of education of the school district of the city of _____" and under that name may sue and be sued.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.401a First class school district; powers.

Sec. 401a. (1) Except as provided by law, a first class school district has all of the powers granted to a general powers school district in section 11a and has all additional powers granted by law to a first class school district or the board of a first class school district.

(2) Unless expressly provided in the amendatory act that added this section, the powers of a first class school district are not diminished by this section or by the amendatory act that added this section.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.402 First class school district.

Sec. 402. A school district that has a pupil membership of at least 100,000 enrolled on the most recent pupil membership count day is a first class school district governed by this part.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.403 Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to first class school district if question under MCL 380.410 is approved.

Popular name: Act 451

380.403a Disapproval of ballot question; applicability of section to first class school district; election of board members.

Sec. 403a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) Effective on the next January 1 occurring at least 1 year after the question under section 410 is presented to the school electors of the first class school district, the first class school district shall have a board composed of 4 members elected as provided in section 411a, plus 7 members elected, or appointed to fill a vacancy, as provided in section 412a.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.404 Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to voting districts within school boundary if question under MCL 380.410 is approved.

Popular name: Act 451

380.404a Repealed. 1982, Act 71, Imd. Eff. Apr. 14, 1982.

Compiler's note: The repealed section pertained to establishment of voting regions.

Popular name: Act 451

380.404b Voting districts; establishment; number; approval by state board; determination and redetermination of boundary lines; voting districts as compact, contiguous, and equal in population.

Sec. 404b. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) Upon the effective date of this section with respect to an existing first class school district, or immediately following the date on which a school district becomes a first class school district, 7 voting districts shall be established within its boundaries in the manner provided in this section. The voting districts described shall be established as voting districts if and when approved by the state board.

(3) A board of a first class school district shall determine the boundary lines of its voting districts and shall redetermine the boundary lines after each federal decennial census, but in no event later than April 15 of the first year in which board members are to be elected following the official release of the federal decennial census figures. If the board of a first class school district fails to redetermine the voting district boundary lines by that April 15, the state board shall convene within 10 days to make the redetermination. The redetermination of the state board shall be the voting district boundary lines until the redetermination is made following the next succeeding federal decennial census as provided in this section.

(4) For a first class school district that was a qualifying school district under part 5a at the time of a decennial census, if a redetermination was not made after that decennial census, the voting district boundary lines in effect immediately before that decennial census shall be used for the purposes of electing school board members under section 412a at the first election of school board members after the election under section 410. A redetermination based on that decennial census shall subsequently be made by the school board as provided in this section not later than 3 months after election of the school board.

(5) Voting districts shall be compact, contiguous, and as equal as possible in population.

History: Add. 1982, Act 71, Imd. Eff. Apr. 14, 1982;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.405 Repealed. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: The repealed section pertained to the form and approval of question submitted to electors, and the appointment, powers, and duties of the committee and board.

Popular name: Act 451

380.406 Repealed. 1982, Act 71, Imd. Eff. Apr. 14, 1982.

Compiler's note: The repealed section pertained to submission of plan to legislature.

Popular name: Act 451

380.410 Selection of ballot designation by local election official; content; approval.

Sec. 410. (1) At the next November general election occurring after the expiration of 5 years after the initial appointment of a school reform board under part 5a for a first class school district, the local elections official of the city with the greatest population located within the boundaries of the school district shall present the question under subsection (2) to the school electors of the first class school district. The local election official may select a ballot designation for the question.

(2) At the November general election described in subsection (1), the following question shall be presented to the school electors of the first class school district:

"Shall the _____ (name of school district) be reapportioned into 9 single-member election districts with district residency requirements, shall a new school board be elected according to these election districts to serve in the district, and shall the school district be governed by a chief executive officer nominated by the mayor of the city with the greatest population located within the boundaries of the school district and approved by this newly elected board? According to state law, a "yes" vote will result in the establishment of the 9 election districts, election of a school board, and appointment of a chief executive officer as described in this question, and a "no" vote will result in the school district being governed by the governance structure otherwise provided for a first class school district under part 6 of the revised school code, consisting of an 11-member school board for the school district with 4 members elected at large and 7 members elected from election districts and with the school district governed by the 11-member school board.

Yes _____
No _____".

(3) If a majority of the school electors of the first class school district voting on the question vote yes on the question under this section, the question is approved.

History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.411 Repealed. 1981, Act 96, Eff. Mar. 15, 1982;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to nomination and election of at large members of first class school district board.

Popular name: Act 451

380.411a Board; election of at large members; terms; nominations; provisions; election of officers; president; recalled member as candidate for same office; expiration of term; election of board members; vacancy; qualifications of candidate; moving residence.

Sec. 411a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) Four members of the board of a first class school district shall be elected at large. The following provisions apply to the terms, nomination, and election of the at large members of the board of a school district organized as a first class school district:

(a) Four members shall be elected for a term of 4 years at the general election to be held in the next November after the question under section 410 is presented to the school electors of the first class school district and every 4 years after that November.

(b) Each candidate shall be nominated at a primary held in conjunction with the preceding primary election conducted pursuant to section 534 of the Michigan election law, 1954 PA 116, MCL 168.534. The nominating petitions shall contain not less than 500 or more than 1,000 signatures of registered school electors of the city in which the first class school district is located; shall meet the requirements of section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c; and shall be filed with the clerk of the city in which the first class school district is located on or before 4 p.m. of the twelfth Tuesday before the primary election. The city clerk may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petition are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558. The clerk of the city shall notify the county clerk of the name and address of each candidate not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next day that is not a Saturday, Sunday, or legal holiday.

(c) Each member shall commence his or her term of office on January 1 following his or her election.

(3) The board of a first class school district shall elect its officers during the month of January following the election of board members. The president of the board shall be a member of the board, and the duties of the president shall be determined by the board.

(4) A board member of a first class school district who is recalled may be a candidate for the same office at the next election for an office at which the recalled member is otherwise eligible.

(5) The term of office of each board member serving in a school district that becomes a first class school district after April 15, 2004 expires on the next succeeding December 31 of an even numbered year, except that if the school district becomes a first class school district later than April 1 of an even numbered year, the term of office of each board member expires on December 31 of the next succeeding even numbered year after the year in which the district became a first class school district. For a district becoming a first class school district after April 15, 2004, 4 school board members shall be elected in the general election of the even numbered year in which the terms of office expire, and the 4 school board members elected shall commence 4-year terms on January 1 of the odd numbered year following the general election.

(6) If a vacancy occurs on the first class school district board from among the at large members, the vacancy shall be filled by majority vote of the remaining first class school district board members at a meeting called by the president of the board for that purpose. If a person is appointed to fill a vacancy for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that first general election the vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which at large board members are to be nominated.

(7) A candidate for the office of board member at large or a person appointed to fill a vacancy on the board pursuant to subsection (6) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the first class school district in which the person becomes a candidate or which the person is appointed to represent. If an at large member's residence is moved from the

first class school district during the at large member's term of office, it constitutes a vacating of office.

History: Add. 1981, Act 96, Eff. Mar. 15, 1982;—Am. 1982, Act 71, Imd. Eff. Apr. 14, 1982;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1989, Act 268, Eff. Feb. 12, 1990;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004;—Am. 2007, Act 29, Imd. Eff. June 28, 2007.

Popular name: Act 451

380.412 Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to school board of first class school district if question under MCL 380.410 is approved.

Popular name: Act 451

380.412a Disapproval of ballot question; board; nomination and election of members; representation of voting district; nominating petition; signature; primary election; filing petition; comparing signatures; filing affidavit; terms; qualifications of candidates; moving residence; vacancy.

Sec. 412a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) In the next November general election after the question under section 410 is presented to the school electors of the first class school district, 7 members of the board of a first class school district shall be elected by voting districts for an initial term of 2 years. At the November general election held 2 years after that election and every 4 years thereafter, 7 members of the board shall be elected by voting districts for a term of 4 years. Each member shall represent a voting district described in section 404b.

(3) The members shall be nominated and elected by the registered school electors of each voting district in the manner provided by law for the nomination and election of the first class school board members elected at large, except that the number of signatures required on nominating petitions of a candidate for election as a representative of a voting district shall be not less than 250 or more than 500. A signature on a nominating petition is not valid unless the petitioner is a registered school elector of the voting district in which the candidate is running for election. Not more than 2 candidates shall be nominated at the primary election for each voting district.

(4) Candidates shall be nominated at a primary held in conjunction with the preceding primary election conducted pursuant to section 534 of the Michigan election law, 1954 PA 116, MCL 168.534. Nominating petitions shall meet the requirements of section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c, and shall be filed with the clerk of the city in which the first class school district is located on or before 4 p.m. of the twelfth Tuesday preceding the primary election. The city clerk may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petitions are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558.

(5) The 7 board members elected to represent the voting districts shall commence their terms of office on January 1 following the election.

(6) A candidate for the office of board member representing a voting district or a person appointed to fill a vacancy pursuant to subsection (7) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the voting district in which the person becomes a candidate or which the person is appointed to represent. If a voting district member's residence is moved from the voting district during the voting district member's term of office, this constitutes a vacating of office.

(7) If a vacancy occurs on the first class school district board from among the voting district members, the vacancy shall be filled from among registered school electors of the voting district by majority vote of the remaining first class school district board members. If a person is appointed to fill a vacancy in a voting district for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that next general election the vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which voting district board members are to be nominated.

History: Add. 1981, Act 96, Eff. Mar. 15, 1982;—Am. 1982, Act 71, Imd. Eff. Apr. 14, 1982;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1989, Act 268, Eff. Feb. 12, 1990;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.413 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to serving notice of election on member.

Popular name: Act 451

380.413a Notice of election; service on member.

Sec. 413a. The city clerk of the city with the greatest population located within the boundaries of the first class school district, within the time specified for serving notices upon officials elected at a city election, shall serve notice of election upon each member of the first class school district board elected at the election.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.414 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to failure to take oath of office.

Popular name: Act 451

380.414a Failure to take oath of office; filling vacancy.

Sec. 414a. If a person elected to the board of a first class school district under this part fails to take the oath of office within 10 days after service of notice of election, the vacancy shall be filled pursuant to section 411a(6), 412(7), or 412a(7), as applicable.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.415 Expulsion or removal of board member; grounds; procedure.

Sec. 415. (1) The first class school district board, by a vote of 2/3 of the members serving, may expel or remove from office a member for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of the member's office. The reason for the expulsion or removal shall be entered on the records of the board with the names and votes of the members voting on the question.

(2) A member shall not be expelled or removed unless the member is first furnished with a written copy of the charges and is allowed to be heard in his or her defense, with aid of counsel.

(3) For this purpose the board shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers, and shall proceed within 10 days after service of a copy of the charge to hear and determine the merits of the case.

(4) The member's failure to appear may be good cause for removal from office.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.416 Board; officers; quorum; vacancy in office of president; appointment and salary of secretary and treasurer; duties; bonds; custody and disposition of funds; board members elected in 2006.

Sec. 416. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) The officers of the first class school district board shall be a president, vice-president, secretary, and treasurer. Subject to subsection (7), the board, a majority of which constitutes a quorum, shall elect its president and vice-president biennially from among the members of the board. In case of a vacancy in the office of president, the vice-president shall succeed to the office of president for the balance of the unexpired term. The secretary and treasurer shall be appointed by the board but shall not be members of the board and shall receive a salary fixed by the board.

(3) The president, vice-president, and secretary shall perform the duties prescribed by the bylaws and regulations of the board. The duties of the treasurer shall be determined by the school district general superintendent, as approved by the board.

(4) The officers of the board who in the discharge of the duties of their respective positions handle funds belonging to the first class school district shall be required to give bonds for the faithful performance of their duties in accordance with the bylaws and regulations of the board. The premium of the bonds shall be paid from the funds of the board.

(5) The school district treasurer shall have the custody of all money belonging to the school district and shall pay out money pursuant to section 433. The funds shall be deposited with depositories selected by the board, and the interest derived shall be paid into the general fund of the board.

(6) The board shall require from the school district treasurer a separate bond of not less than \$200,000.00 to protect the funds of the board.

(7) All of the following apply to the board members elected by the board in 2006 as president and vice president of the board:

(a) The initial term as president and vice president for each of those board members is continued until a successor is elected by the board for each in January of 2008.

(b) Successors for each of those officers as described in subdivision (a) shall be elected biennially by the board as provided under subsection (2).

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004;—Am. 2007, Act 29, Imd. Eff. June 28, 2007.

Popular name: Act 451

380.416a Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to officers of first class school district if question under MCL 380.410 is approved.

Popular name: Act 451

380.417 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to interest of member in contract with board, and compensation of regional board members.

Popular name: Act 451

380.417a Board; interest of member in contract; compensation; per diem allowance; reimbursement; maximum payments.

Sec. 417a. (1) A member of the first class school district board shall not be directly or indirectly interested in a contract with the board. Except for the per diem allowance provided in subsection (2), a member of the first class school district board shall not receive compensation for services rendered to the board.

(2) Except as otherwise provided in this subsection and subsection (3), each first class school district board member shall be paid a per diem allowance of \$30.00 for each board meeting and subcommittee meeting attended and each authorized duty performed. To be reimbursed for an authorized duty, the duty shall be related directly to the member's responsibility as a board member and shall be authorized in advance by resolution of the board. Compensation shall be provided to a board member for an authorized duty only if that duty and the authority of the board member to perform that duty is specifically enumerated in the resolution authorizing compensation. The payments for meetings, subcommittee meetings, and authorized duties shall not exceed a total of 52 meetings, subcommittee meetings, and authorized duties per year, except that, if the question under section 410 is not approved in the first class school district, this limitation may be removed by majority vote of the board.

(3) If the question under section 410 is approved in the first class school district, the board of the first class school district may by majority vote of the board waive any per diem payment under this section.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 1985, Act 86, Imd. Eff. July 5, 1985;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.418 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to board meetings, official actions, and annual audit.

Popular name: Act 451

380.418a Board; meetings; proceedings and official actions as public record; annual audit; report; publication; actions to be by ye and nay vote entered upon record.

Sec. 418a. (1) Regular meetings of the first class school district board shall be held at least once each month, at a time and place fixed by the bylaws. If the question under section 410 is not approved, not less than 7 of the regular meetings shall be held in different voting districts of the first class school district each year. If the question under section 410 is approved, not less than 9 of the regular meetings shall be held in different voting districts of the first class school district each year. The bylaws may provide for the calling of special meetings.

(2) The proceedings and official actions of the first class school district board shall be a public record open to inspection pursuant to section 1202.

(3) The board of the first class school district shall have made a complete annual audit of its financial transactions. The board may employ a firm of certified public accountants to make the audit or, if the city with the greatest population located within the boundaries of the school district has an auditor whose duties are limited to postauditing of finances and investigation of operations, the board may arrange for the city's

auditor to make the audit. The audit report shall be made to the board and the chief executive officer and shall be a public record. The board may direct the chief executive officer to publish the audit report by adding to it general school statistics or it may publish general school statistics separately.

(4) If the question under section 410 is not approved in the first class school district, every action of the first class school district board creating a liability or debt or originating the disposal or expenditure of property or money shall be by ye and nay vote entered upon its record.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.420 Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to powers of chief executive officer of first class school district and duties of school board if question under MCL 380.410 is approved.

Popular name: Act 451

380.421 Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to award of contracts.

Popular name: Act 451

380.422 Annexation of entire school district to city; bonded indebtedness; powers and duties of chief executive officer.

Sec. 422. If territory comprising an entire school district is annexed to the city and becomes a part of the first class school district, part 10 shall govern where applicable with respect to the bonded indebtedness of either district existing at the time of annexation. The first class school district board may use any funds legally available to retire the bonded indebtedness of the annexed district. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.423 Annexation of portion of school district to city; bonded indebtedness.

Sec. 423. When territory constituting a portion of another school district is annexed to a city and the district from which that territory is taken has outstanding bonded indebtedness, part 11 shall apply to that bonded indebtedness.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.424 Annexation of property belonging to another school district; determination of amount to be paid; board of arbitration; hearing; notice; regulations; final order; taxes; powers and duties of chief executive officer.

Sec. 424. (1) When school property belonging to another school district is taken by annexation by a first class school district, a determination shall be made of the equitable amount that shall be paid by the first class school district. That determination shall be made by the boards of the 2 districts affected. If the board of the first class school district and the board of the school district from which the property is taken are unable to agree, the matter shall be submitted to a board of arbitration consisting of 1 member appointed by each board and a third member to be selected by the 2 appointed members. The arbitrators by order shall fix a day for hearing and give notice of the hearing as provided in the order. They shall make regulations for the proceedings and shall make a final order determining the amount to be paid by the first class school district to the school district whose property was taken by the annexation and file the order with the county clerk. The order of the arbitrators shall be final. Taxes shall be levied and collected in the manner provided in the order.

(2) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.431 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to powers of board as to real and personal property.

Popular name: Act 451

380.431a Powers of board as to real and personal property; proceeds from sale of real property; bylaws and regulations; eminent domain proceedings.

Sec. 431a. (1) The board of the first class school district may take, use, hold, lease, sell, and convey real and personal property, including property received by gift, devise, or bequest, for the use of the public school within and without its corporate limits. Proceeds from the sale of real property shall be credited to accounts of the school district as provided in section 1262. The first class school district board has the power to purchase, lease, and take by the right of eminent domain all property; erect and maintain or lease all buildings; employ and pay all persons; and do all other things in its judgment necessary for the proper establishment and management of the public schools. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this subsection.

(2) The first class school district board may adopt and revise as appropriate bylaws and regulations for conducting the business of the board and, if the question under section 410 is not approved in the first class school district, for the control and government of all schools, school property, and pupils in the first class school district.

(3) If property is sought to be taken by eminent domain, proceedings may be brought under 1911 PA 149, MCL 213.21 to 213.25, or the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.432 Annual tax estimates; specification of amounts required for certain funds; retirement of bonds; budget; apportionment of school taxes; assessment, levy, collection, and return of taxes; statement on tax bill; powers and duties of chief executive officer.

Sec. 432. (1) The first class school district board annually shall prepare estimates of the amount of taxes necessary for its needs for the ensuing fiscal year. The estimates shall specify the amount required for the "general fund", the amount required for the "building and site fund", and the amount required for the "debt retirement fund". If the board causes the appropriation for the "building and site fund" to be raised by the issuance of bonds instead of raising the appropriation by taxation, provision shall be made for the retirement of the bonds in a debt retirement fund.

(2) The board shall adopt a budget in the same manner and form as required for its estimates and determine the amount of tax levy necessary for that budget and shall certify on or before the date required by law the amount to the city.

(3) The proper officials of the city shall apportion the school taxes in the same manner as the other taxes of the city are apportioned, and the amount apportioned shall be assessed, levied, collected, and returned for the school district in the same manner as taxes of the city. The tax levied by the school district, in the discretion of the legislative body of the city, may be stated separately on each tax bill.

(4) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.433 Payment of payrolls, bills, accounts, or claims; warrant; certificate; powers and duties of chief executive officer.

Sec. 433. (1) The secretary of the first class school district board shall issue and sign a warrant upon the treasurer for payrolls, bills, and accounts that become due and payable under a contract or because of a previous authorization or action of the board after the payrolls, bills, and accounts are registered and charged to the appropriations from which they are payable. The treasurer, upon receipt of the warrant, shall issue a check in payment thereof.

(2) Other claims and demands against the first class school district shall be made under the regulations of the board. The board, before paying a bill, account, or claim, may require that it be accompanied by a certificate of the person rendering it that the services or the property charged have been actually performed or delivered for the school district, that the sums charged are reasonable and just, and that to the best of that person's knowledge and belief no setoff exists nor payment has been made on account except as included or referred to in the account presented. A similar certificate shall be required on all payrolls, the certificate to be made by the person who supervises the services charged.

(3) If the question under section 410 is approved in the first class school district, then the chief executive

officer appointed under section 420 or his or her designee has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.434 Contracts for purchase of real estate or erection, remodeling, or repairing of building; endorsement; certificates; borrowing; duties and powers of chief executive officer.

Sec. 434. (1) Before a contract entered into by the first class school district for the purchase of real estate or the erection, remodeling, or repairing of a building is binding on the school district, the secretary shall endorse on the contract that the money proposed to be expended under the contract is actually in the treasury or that the money has been appropriated. A contract submitted shall not be certified by the secretary until all contracts for the completed work covered by the appropriation are submitted, and a warrant shall not be drawn on the account of a contract not containing the certificate.

(2) The board may authorize a contract before the money is available if an appropriation or an authorization of bonds or notes is made for the contract and may borrow on the best terms obtainable on the credit of that appropriation or authorization of bonds or notes sums necessary to make a payment under the contract.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 or his or her designee has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.441 Borrowing to pay awards in condemnation proceedings.

Sec. 441. The board of the first class school district, with the consent of the legislative body of the city, may authorize the financial officers of the school district to borrow for not more than 1 year, on the best terms obtainable, sums necessary to pay awards in condemnation proceedings. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.442 Borrowing powers of board of first class school district; limitations on loans and bonds; powers and duties of chief executive officer.

Sec. 442. (1) The board of the first class school district may do any of the following:

(a) Borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, for temporary school purposes sums of money and give notes of the district for temporary school purposes.

(b) Borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, sums of money for the purpose of purchasing sites for buildings, playgrounds, or athletic fields and purchasing or erecting and equipping a building or making a permanent improvement that the school district is authorized to make. The board may accomplish this by the issuance and sale of bonds of the school district on terms the board considers advisable, or by other reasonable means. The board shall designate officers to execute the bonds on behalf of the school district. The designated officers may include the chief financial officer.

(2) A loan shall not be made, except as otherwise provided in this subsection, for a sum that, together with the total outstanding bonded indebtedness of the school district, exceeds 5% of the state equalized valuation of the taxable property within the school district, unless the proposition of making the loans or of issuing bonds is submitted to a vote of the school electors of the school district at a general or special school election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a. Loans may be made or bonds may be issued for the purposes stated in this section in an amount equal to that provided by part 17.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 2002, Act 58, Imd. Eff. Mar. 15, 2002;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.443 Expenditure of bond proceeds for remodeling of existing school buildings; "remodeling" defined.

Sec. 443. (1) Proceeds from the sale of first class school district bonds may be expended for the remodeling of existing buildings of the school district if the board determines the remodeling will contribute positively to the health, security, or welfare of the pupils of the school district and if the uses are approved by the superintendent of public instruction. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this subsection.

(2) As used in this section, "remodeling" means the alteration or construction of structural components of a building including walls, roofs, partitions, hallways, stairways, or means of egress, or the replacement, relocation, or reconstruction of heating, ventilating, incineration, electrical, security, or sanitary systems.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 118, Imd. Eff. July 18, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.444 Sections 380.442 and 380.443 as supplemental provisions; ex officio officers of board.

Sec. 444. (1) Sections 442 and 443 are supplemental to other provisions of law under which bonds of the school district or the city are authorized to be issued and sold.

(2) Officers of the city in which the school district is situated who participate in matters relating to the issuance and sale of bonds under this part are for that purpose made ex officio officers of the first class school district board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.445 Bonds for sites, buildings, and improvements; resolution; approval of school electors; form of bonds; filing notice and draft; laws governing election; electors qualified to vote; bonds subject to revised municipal finance act; powers and duties of chief executive officer.

Sec. 445. (1) The board of the first class school district by resolution may submit the proposition of issuing bonds for the purpose of purchasing sites for buildings, playgrounds, or athletic fields and purchasing or erecting and equipping a building or making permanent improvements that the school district is authorized to make to the school electors of the school district at a city or state election, or at a special election called for that purpose.

(2) If a majority of the school electors voting on the question approve the issuance of bonds, the board may issue the bonds of the district.

(3) The board shall determine the form of the bonds, the manner in which they shall be executed by the president and secretary of the district, the sums payable and the times of payment, and other terms and conditions the board considers necessary.

(4) If the board determines to issue bonds under this section, sections 432 and 444 shall not apply to the issuance of the bonds and the bonds may be issued in an amount equal to that provided by part 17.

(5) The secretary of the board shall file with the city clerk a written notice of the resolution to submit the bonding proposition to the school electors with a draft of the form of the bonding proposition to be submitted. The notice shall be under the seal of the board and filed with the city clerk at least 60 days before the date fixed by the board for the election.

(6) The laws of this state pertaining to elections in a city shall govern the practicable submission of the proposition to the school electors. Electors qualified to vote on the bonding proposition shall be registered school electors of the city in which the first class school district is located and otherwise qualified to vote on bonding propositions under the constitution and laws of this state.

(7) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(8) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 334, Imd. Eff. May 23, 2002;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.449 Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to powers and duties of school board members and officers of first class school district following expiration of 5 years after initial appointment of school reform board.

Popular name: Act 451

380.451 Repealed. 2004, Act 380, Imd. Eff. Oct. 12, 2004.

Compiler's note: The repealed section pertained to excise tax on income.

Popular name: Act 451

380.461 Submission of measure to school electors; filing notice and draft; laws governing election; powers and duties of chief executive officer.

Sec. 461. (1) Upon the adoption, by majority vote of the board members serving, of a measure not coming under its general power or authority, the board of the first class school district shall submit the measure to the school electors of the school district at the next state or city election or a special election called for that purpose. This section does not authorize the issuance of bonds. The secretary of the board shall file with the city clerk a written notice of the adoption of the measure together with a written draft of the measure to be submitted to the school electors. The notice shall be under the seal of the board and filed with the city clerk not less than 60 days before the election.

(2) The laws of this state pertaining to elections in the city govern the practicable submission of the measure to the school electors.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.462 Special election; request; statement of questions; powers and duties of chief executive officer.

Sec. 462. Special elections may be called by the board of the first class school district. The board shall call an election on receipt of the written request of not less than 10% of the registered school electors of the district qualified to vote on the question by giving the prescribed notice. The questions to be submitted at the election shall be stated briefly in the notice. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.471 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to appointment of superintendent of schools and employment of other administrators.

Popular name: Act 451

380.471a Appointment and term of superintendent; employment, terms, and duties of other administrators; administrative and personnel services; contract required; notification of nonrenewal of contract; statement of reasons; meeting; renewal in contract; powers of board over employees; applicability of section to part 5a.

Sec. 471a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) The first class school district board may appoint a superintendent of schools for a term not exceeding 6 years pursuant to the first class school district board's bylaws. The board may employ assistant superintendents, principals, assistant principals, guidance directors, and other administrators who do not assume tenure in position for a term, not to exceed 3 years, fixed by the board and shall define their duties. Administrative and personnel services shall be provided on a centralized basis throughout the first class school district and shall not be established on a voting district basis. The employment shall be under written contract. Notification of nonrenewal of contract shall be given in writing not less than 90 days before the termination date of the contract of a superintendent of schools, and at least 60 days before the termination date

of the contract of other administrators described in this subsection. If notification of nonrenewal is not given as required in this subsection, the contract is renewed for an additional 1-year period.

(3) A notification of nonrenewal of a contract of a person described in this section may be given only for a reason that is not arbitrary or capricious. The board shall not issue a notice of nonrenewal under this section unless the affected person has been provided with not less than 30 days' advance notice that the board is considering the nonrenewal together with a written statement of the reasons the board is considering the nonrenewal. After the issuance of the written statement, but before the nonrenewal statement is issued, the affected person shall be given the opportunity to meet with not less than a majority of the board to discuss the reasons stated in the written statement. The meeting shall be open to the public or a closed session as the affected person elects under section 8 of the open meetings act, 1976 PA 267, MCL 15.268. The failure to provide for a meeting with the board or the finding of a court that the reason for nonrenewal is arbitrary or capricious shall result in the renewal of the affected person's contract for an additional 1-year period. This subsection does not apply to the nonrenewal of the contract of a superintendent of schools.

(4) Except for certification requirements determined by the state board, the first class school district board shall have full power over employees and may specify the duties to be performed by them and fix the qualifications necessary for a position. The qualifications shall not conflict with the rules, regulations, or licensing laws of the state, county, or municipality governing qualifications of engineers or members of other trades.

(5) This section is subject to part 5a.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.472 School for confinement, discipline, instruction, and maintenance of children.

Sec. 472. A first class school district may establish, maintain, and conduct a school for the purpose of affording a place of confinement, discipline, instruction, and maintenance of children of the city of compulsory school age who may be committed to the school by a court of competent jurisdiction, or admitted on the recommendation of the judge with the consent of their parents or guardian. A child who has been convicted of an offense punishable by confinement in a penal institution shall not be committed or admitted to the school.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

380.473 Effect of act on laws governing public libraries; transfer of power and duties regarding libraries.

Sec. 473. This part shall not repeal or affect a general law or local law governing the management and control of public libraries as now established in school districts under this part. The powers and duties of the boards of education now in existence regarding libraries shall be assigned to and transferred to the first class school district board created by this part.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.475 Single-gender school, class, or program; establishment; availability of equal coeducational school, class, or program.

Sec. 475. (1) Subject to subsection (2), the board of a first class school district may establish and maintain a school, class, or program within a school in which enrollment is limited to pupils of a single gender if the school district also makes available to pupils a substantially equal coeducational school, class, or program and a substantially equal school, class, or program for pupils of the other gender.

(2) If the board of a first class school district establishes a single-gender school, class, or program described in subsection (1), the school district shall not require participation by any of its pupils in the single-gender school, class, or program. The board shall ensure that participation by pupils in a single-gender school, class, or program is wholly voluntary. For the purposes of this subsection, participation by a pupil in a single-gender school, class, or program is not considered to be voluntary unless the school district also makes available to the pupil a substantially equal coeducational school, class, or program.

History: Add. 2006, Act 347, Imd. Eff. Sept. 1, 2006.

380.481-380.483 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed sections pertained to regional boards.

Popular name: Act 451

380.483a Functions of board; transfer of powers and duties.

Sec. 483a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) The first class school district board shall perform the following functions:

(a) Central purchasing.

(b) Payroll.

(c) Employment, discharge, assignment, and promotion of teachers and other employees of the district.

(d) Contract negotiations for all employees, subject to 1947 PA 336, MCL 423.201 to 423.217, and subject to bargaining certification and the collective bargaining agreement pertaining to affected employees.

(e) Property management and maintenance and the use of educational facilities.

(f) Bonding.

(g) Special education programs.

(h) Allocation of funds for capital outlay and operations.

(i) Determination of the curriculum and the establishment of educational and testing programs.

(j) Adoption of a budget.

(3) All powers and duties formerly vested in the regional boards are transferred to the first class school district board.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.484 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to regional boards.

Popular name: Act 451

380.485 Repealed. 2016, Act 192, Imd. Eff. June 21, 2016.

Compiler's note: The repealed section pertained to flow of information between board and community.

Popular name: Act 451